

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JONATHAN KING MEYER  
Plaintiff Pro Se

Case No.

V.

Hon.

ALLEGAN COUNTY,  
STATE OF MICHIGAN,  
KEVIN CRONIN, and ROBERTS KENGIS,  
Sued in their official capacities, and  
KEVIN CRONIN and ROBERTS KENGIS,  
Sued in their individual capacities,  
Defendants.

Magistrate Judge.

**Plaintiff's Exhibit AA**

Plaintiff's Exhibit AA is the September 11, 2020 Response from the Attorney General's Office.  
This document supports the Plaintiff's position that the Court violated his Constitutional Rights.

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



CADILLAC PLACE  
3030 WEST GRAND BOULEVARD  
DETROIT, MICHIGAN 48202

DANA NESSEL  
ATTORNEY GENERAL

September 11, 2020

Clerk of the Court  
48<sup>th</sup> Circuit Court  
113 Chestnut St.  
Ann Arbor, MI 49010

Re: *People v Jonathan King Meyer*  
Case No. 12-017608-FC-K

Dear Clerk:

Enclosed for filing with regard to the above-referenced matter please find:

1. *Response to Defendant's Motion for Consideration*; and
2. *Proof of Service*

Please file in your usual manner. Thank you in advance for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "C Donaldson".

Claudia Donaldson  
Legal Secretary to

Kelly A. Carter (P56129)  
Assistant Attorney General  
Criminal Division  
(313) 456-0180

/cd

Enclosures

cc: Honorable Roberts A. Kengis (with Enclosures)  
Jonathan King Meyer (with Enclosures)

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE FORTY-EIGHT JUDICIAL CIRCUIT  
ALLEGAN COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

No. 12-017608-FC-K

v

HON. ROBERTS A. KENGIS

JONATHAN KING MEYER,

Defendant.

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KELLY A. CARTER (P56129)  
Assistant Attorney General  
Criminal Division  
On Behalf of the People  
Cadillac Place  
3030 W. Grand Blvd, Ste. 10-200  
Detroit, MI 48202  
(313) 456-0180

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JONATHAN KING MEYER  
In Pro Per  
Defendant  
228 North State Street  
Zeeland, MI 49464  
(616)510-0106

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RESPONSE TO DEFENDANT'S MOTION FOR CONSIDERATION

The People of the State of Michigan by and through Attorney General, Dana Nessel and Assistant Attorney General, Kelly A. Carter, state as their response to Defendant's Motion for Reconsideration the following:

1. As to paragraph 1, the People admit the allegations for purposes of this motion.

2. As to paragraph 2, the People lack knowledge or information sufficient to form a belief as to the truth of the allegations.

3. As to paragraph 3, the People admit the allegations for purposes of this motion.

4. As to paragraph 4, the People lack knowledge or information sufficient to form a belief as to the truth of the allegations.

5. As to paragraph 5, the People admit the allegations for purposes of this motion.

6. As to paragraph 6, the People the People lack knowledge or information sufficient to form a belief as to the truth of the allegations.

7. As to paragraph 7, the People admit the allegations for purposes of this motion.

8. As to paragraph 8, the People admit the allegations for purposes of this motion.

9. As to paragraph 9, the People the People lack knowledge or information sufficient to form a belief as to the truth of the allegations.

10. As to paragraph 10, the People the People lack knowledge or information sufficient to form a belief as to the truth of the allegations.

11. As to paragraph 11, the People the People lack knowledge or information sufficient to form a belief as to the truth of the allegations.

12. As to paragraph 12, the People deny the amended Judgement of Sentence was legal, but admit the remaining allegations for purposes of this motion.

13. As to paragraph 13, the People admit the allegations for purposes of this motion.

14. As to paragraph 14, the People state that pursuant to Michigan Court Rules in effect at the time, the court did not have the authority to amend the Judgement of Sentence, sue sponte, once entered.

This case is identical to the facts in *People v Comer*, 500 Mich. 278 (2017) in that the defendant there was convicted by plea of CSC-I and accordingly subject to lifetime electronic monitoring. In *Comer*, the court, likewise, did not check the lifetime monitoring box on the Judgement of Sentence, thereby rendering the sentence invalid. The *Comer* court also, as here, sua sponte without notice to the parties, amended the invalid sentence to include the lifetime electronic monitoring. The court in *Comer* held that the trial court could not amend the invalid sentence on its own initiative. *Id.* at 298. Indeed, in response to *Comer*, in 2018, well after the court here issued its amended judgment of sentence, MCR 6.429 was amended to allow a court to sua sponte amend an invalid sentence within 6 months of the entry of judgement of sentence, but MCR 6.429 retains the hearing requirement. Thus, in this case, the court, sua sponte and without notice to the parties or providing an opportunity for the parties to be heard, improperly amended the judgement to include lifetime electronic monitoring.

Accordingly, the court must grant Defendant's Motion to Reconsider vacating the February 12, 2013 Amended Judgement of Sentence requiring lifetime monitoring, and reinstate the September 10, 2012 Judgement of Sentence without lifetime electronic monitoring.

Respectfully submitted,

DANA NESSEL  
Attorney General

A handwritten signature in black ink, appearing to read "Kelly A. Carter", is written over a horizontal line.

KELLY A. CARTER (P56129)  
Assistant Attorney General  
Criminal Trials and Appeals Division  
On Behalf of the People  
Cadillac Place  
3030 W. Grand Blvd, Ste. 10-200  
Detroit, MI 48202  
(313) 456-0180

Dated: September 10, 2020

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE FORTY- EIGHT JUDICIAL CIRCUIT  
ALLEGAN COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

No. 12-017608-FC-K

v

HON. ROBERTS A. KENGIS

JONATHAN KING MEYER

Defendant.

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KELLY A. CARTER (P56129)  
Assistant Attorney General  
Criminal Division  
On Behalf of the People  
Cadillac Place  
3030 W. Grand Blvd., Suite 10-350  
Detroit, MI 48202  
(313) 456-0180

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JONATHAN KING MEYER  
In Pro Per  
Defendant  
228 North State St.  
Zeeland, MI 49464  
(616) 510-0106

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**PROOF OF SERVICE**

The undersigned certifies that on the September 11, 2020 a copy of *Response to Defendant's Motion for Consideration and Proof of Service* were served on the defendant in the above-captioned case by mail to their respective address, with first class postage fully prepaid.



Claudia Donaldson